



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND
1333 ISAAC HULL AVENUE
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00A5/DON-NAVY-2015-002851D

August 9, 2017

Ms. Rose Santos
FOIA Group, Inc.
P.O. Box 368
Depew, NY 14043

SUBJECT: YOUR FREEDOM OF INFORMATION ACT CASE DON-NAVY-2015-002851

Dear Ms. Santos:


This is a final response to your January 27, 2015, Freedom of Information Act (FOIA) request in which you seek a copy of contract N0002409R3152 (SeaPort) (PEO IWS 147 ESS) with SSA and non-cost evaluation factors and a copy of N0002408R31400001 (SeaPort) (SEA 01P Professional Support) awarded order and modifications.

A review of our files revealed you submitted a previous request for N00024-09-R-3152 on August 19, 2013, under DON-NAVY 2013-000138. A copy of the final response dated April 16, 2015 is attached as an enclosure.

Also, a review of our files revealed you submitted a previous request for N00024-08-R-3140 0001 to this office for the same information on August 19, 2013. Since we have already begun processing your previous request under DON-NAVY-2013-000143, we are administratively closing the attached request (DON-NAVY 2015-002851) as a duplicate.

Please contact me at telephone 202-781-2437, if you have any questions concerning the status of your request, or send an email to navseafoia@navy.mil.

Sincerely,


DONNA M. HAMLIN
By direction

Request Details
Request Type : FOIA

Status : Assignment Determination **Due Date :** 04/09/2015

606



Request Details

Tracking Number : DON-NAVY-2015-002851	Submitted Date : 01/27/2015
Requester : Rose Santos	Perfected Date : 03/12/2015
Organization : FOIA GROUP INC	Last Assigned Date : 03/12/2015
Requester Has Account : Yes	Fee Limit : \$25.00
Email Address : foia@foia.com	Request Track : Complex
Phone Number : 716-608-0800	Due Date : 04/09/2015
Fax Number : 716-608-7608	Assigned To : Donna Hamlin (Naval Sea Systems Command Headquarters - Washington, DC)
Address : P.O. Box 368	Last Assigned By : Donna Hamlin (Naval Sea Systems Command Headquarters - Washington, DC)
City : Depew	
State/Province : NY	
Zip Code/Postal Code : 14043	

Submission Details

Case File

Admin Cost

Assigned Tasks

Comments (0)

Review

Request Handling

Requester Info Available to the Public : <input type="text" value="No"/>	Request Perfected : Yes
Request Track : <input type="text" value="Complex"/>	Perfected Date : 03/12/2015
Fee Category : <input type="text" value="Commercial"/>	Appellate Authority : <input type="text" value="OGC"/>
Fee Waiver Requested: No	Acknowledgement Sent Date: <input type="text"/>
Fee Waiver Status: N/A	Unusual Circumstances ? : No
Expedited Processing Requested : No	5 Day Notifications: <input type="checkbox"/>
Expedited Processing Status : N/A	Litigation : <input type="text" value="No"/>

Request Description

Short Description :

Relevant to N0002409R31520002 (SeaPort)(PEO IWS 147 ESS) we seek SSA cost and non-cost evaluation factors. Awarded Order

(Originally submitted and received FOIA control number of 2011F120074)

Description Available to the Public :

Has Description Been Modified? ☒

184/2000

Relevant to N0002408R31400001 (SeaPort)(SEA 01P Professional Support) awarded Order and modifications thereto

(Originally submitted and received FOIA control number of 2011F120065)

Additional Information

Case # : 2015F000281

Name of Local Command :

Contract/Sol.# :	<input type="text"/>
Limit Request To Clearly Releasable Info :	Select Limit Request To Clearly Releasable Info 

Attached Supporting Files

No supporting files have been added.

Upload Supporting Files

No attachments have been added.



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1333 ISAAC HULL AVENUE
WASHINGTON NAVY YARD DC 20376-2101

IN REPLY REFER TO

5720

Ser SEA 00A5/DON-NAVY-2013-000138F

April 16, 2015

Ms. Rose Santos
FOIA Group, Inc.
P.O. Box 368
DePew, NY 14043

SUBJECT: FREEDOM OF INFORMATION ACT CASE DON-NAVY-2013-000138

Dear Ms. Santos:

This is a final response to your August 19, 2013 Freedom of Information Act (FOIA) request in which you seek a copy of the document identified to N00024-09-R-3152, the SSA and non-cost evaluation factors, submission by all bidders, and the list of companies that submitted proposals.

Due to the shooting incident that took place at this Headquarters on September 16, 2013, the subsequent law enforcement actions, and temporary displacement of our offices, we were unable to process your request within 20 working days.

I considered your request under the FOIA (5 U.S.C. § 552), as amended, and Secretary of the Navy 5720.42F.

After a careful review of documents responsive to your request, it was determined that the document identified as "N00024-09-R-3152" is a solicitation and may be released to you in its entirety. Additionally, the solicitation also includes the source selection authority (SSA) cost and non-cost evaluation factors (Section M of the solicitation).

I also determined that neither the submissions by all offerors or a list of all offerors is releasable to the public and is exempt from disclosure under FOIA exemption (b) (3).

Subsection (b) (3) protects matters which are exempt from disclosure by statute, provided that such statute (1) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (2) establishes particular criteria for withholding or refers to particular types of information to be withheld.

Title 41 U.S.C. §2102 prohibits release of certain procurement related proprietary and source selection information before the award of a procurement. The unclassified information is such source selection information.

In this instance, Title 10 U.S.C. §2305(g) prohibits the release of a proposal submitted by a contractor in response to a competitive solicitation, except for those portions of the proposal set forth or incorporated in a Department of Defense contract. Since offers contained in an abstract of offers are taken from these exempt proposals, they too are exempt from mandatory disclosure under this exemption 3 statute.

I am the official responsible for the decision regarding your request. You may submit a written administrative appeal of my decision to the Office of General Counsel, Department of the Navy, 1000 Navy Pentagon, Room 5A532 Washington, DC 20350-1000. Your appeal must have a copy of this letter enclosed and must be received by the General Counsel within 60 calendar days from the date of this letter. Please add the words "Freedom of Information Act Appeal" to both your administrative appeal and to the envelope. Send a copy of your letter, to the COMMANDER, NAVAL SEA SYSTEMS COMMAND (SEA 00A5), 1333 ISAAC HULL AVE SE, WASHINGTON NAVY YARD DC 20376-1021.

Fees for processing your request were below the threshold for requiring payment. However, fees are assessed on a case-by-case basis and you may be charged fees on future requests.

If you have any questions concerning the foregoing, please contact Ms. Ginger Dolan at 202-781-3359.

Sincerely,



JAVIER MARTINEZ
Associate Counsel

Enclosure